

**Summarized Detainee's Sworn Statement**

***The Tribunal President read the Hearing Instructions to the Detainee and confirmed that the Detainee understood and had questions.***

Detainee: Yes, I have a question and you will have an answer for me.

Tribunal President: Run that by me one more time, I'm sorry.

Detainee: Yes, I have a question and then you will answer it for me.

Tribunal President: You can ask, but I can't guarantee I can answer it, but you can ask.

Detainee: Yes I can ask a question? Right now?

Tribunal President: If it's concerning the Tribunal process.

Detainee: No it's out of the Tribunal. The question is about myself. The question is about the detainees.

Tribunal President: Unfortunately we are only here today to discuss your particular situation and at this moment we know nothing about you, so we can't even answer your question about that.

Detainee: Okay.

***The Personal Representative presented the Detainee Election Form (Exhibit D-A) to the Tribunal.***

***The Recorder presented the Unclassified Summary of Evidence (Exhibit R-1) to the Tribunal.***

***The Recorder presented Exhibits R-1 into evidence and gave a brief description of the contents of the Unclassified Summary of Evidence (Exhibit R-1).***

***The Recorder confirmed that he had no further unclassified evidence or witnesses and requested a closed Tribunal session to present classified evidence.***

***The Tribunal President, referring to the Detainee Election Form, made the following statement:***

Tribunal President: I see by the Detainee Election Form that you have elected to participate today as evidenced to your being here. I also see that you have requested one witness.

Detainee: Yes.

Tribunal President: The Personal Representative has arranged for that information to be provided. Abdullah Khan you may now present any evidence you have to the Tribunal and you have the assistance of your Personal Representative in doing so. Do you wish to present information to this Tribunal and would you like to make your statement under oath?

Detainee: Yes.

Tribunal President: Recorder would you please administer the oath?

*The Recorder administered the Muslim oath to the Detainee.*

*The Tribunal President opened the Tribunal to the Detainee to make his statement.*

Detainee (to Personal Representative): Whatever allegation you have against me, you will read each one and I will answer each question.

Personal Representative: Right. The first item is that this government believes that the detainee is a member of the Taliban for these three reasons:

*3.a. The detainee is a member of the Taliban:*

*3.a.1. The detainee was a Taliban cook for about two and one half months.*

Detainee: I will answer for that and then you can ask a question.

Tribunal President: At this point we probably won't interrupt you. We will ask questions later. Right now we are just interested in hearing your oral statement.

Detainee: What do you want me to say? You ask me a question I will answer it. You go ahead and start your questioning and then I will answer.

Tribunal President: At this point if you want to just reply to the allegations first. In telling us your story you may answer a lot of questions we have for you.

Detainee: I had some wheat, like five thousand pounds, I'm not sure about the Afghani measurement and some animal skins and I put them in a big truck and I was going to Kandahar. I bought each animal skin for fifteen hundred Kaldar (ph). Actually I was in the small vehicle and the big truck was behind me. I wanted to first ask what was the price of my supply that I had and then I could sell my stuff. When I came to the big shopping center in Kandahar, it's like a trade market where people sell and buy things. I came to that side of the bazaar to find out the prices. I met Haji Shahzada there. Then Haji Shahzada asked me what I was doing there and I said I had some stuff like beans, wheat and some other stuff like animal skins in my car and I wanted to sell them. At that time,

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Haji Shahzada told me that my car is getting out of there and I could spend the night at his house and in the morning I could come back here. In the meantime, there were two of my enemies there who killed my brother and father. I saw them at the bazaar and they came and greeted me. They have room at that bazaar and they asked me to come and spend the night with them. I was scared of them. I was scared that if I went with them they might kill me. I said no, I was going to spend the night at Haji Shahzada's house and I would be back in the morning. I was going toward Haji Shahzada's house and I saw a boy with his mother and without a father. I asked him to come and spend the night at Haji Shahzada's house. We were going towards Haji Shahzada's house and I saw those two people sitting by the front of the group and they asked me again to spend the night in their house. I told them no, I am going to Haji Shahzada's house tonight, but I would be back in the morning; so whatever they wanted to tell they could tell me in the morning. They knew where Haji Shahzada's house was and where he lived. Haji Shahzada had already gone home. There was the other boy and myself and another person from Haji Shahzada's village. We started walking toward Haji Shahzada's house. When we went to Haji Shahzada's house there were three to four other guests there too. It was dinnertime and Haji Shahzada brought out the dinner and we ate. They started playing cards. I was with Haji Shahzada's small kids and I was listening to the music on the American station. After the music was finished, there was a commercial on the radio and the Americans said that if you turn over an enemy to us we will pay you a lot of money. We spent the night and it was raining. It was raining through the morning. Then Haji Shahzada told me that it was still raining and not to worry about my stuff and stay one more day. When the rain is finished then you can go to Kandahar. That night only two of the guests were left with Haji Shahzada. I told him that I didn't get enough sleep because we were playing cards and I wanted to go to sleep early. I wanted to get some sleep. Then Haji Shahzada went home and I stayed with the other guy and we were trying to go to bed. Actually we were sleeping and they entered inside and asked me if I was Khirullah Khairkhwa, the governor of Herat.

Tribunal President: Could you clarify. Did you say that Haji Shahzada went home?

Translator: Yes he said that.

Tribunal President: Could you ask him again?

Detainee: Actually they have guesthouse outside their house, and Haji Shahzada went to his house and I was in the guesthouse. Men don't go inside the house; they stay outside. They asked me if I was Khirullah Khairkhwa (the governor of Herat) and they said don't move. I said no I am not Khirullah Khairkhwa. My name is Abdullah. Then they put my hands in handcuffs and the Americans took me with them. Since the Russians, from house to house people are enemies of each other. There is a lot of hostility. When someone is being turned over to Americans they are supposed to ask about them first. They were not Americans. They told me let's go inside Haji Shahzada's house. Then they lied to me and said that there were Americans standing outside, but the Americans were not there. We went inside his house and then his yard. We saw that they had handcuffed Haji Shahzada as well; he was standing in his yard. The same night, they turned us over to Americans. A lot of people got captured that night, but I did not know the others. They kept asking me if

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I was Khirullah Khairkhwa. I told them no, I am Abdullah. I was in the custody of the Americans and I did not know what happened to my stuff or whatever I had in my car. Maybe they would get lost or someone else would take them. I have no information about my supplies. Then they brought us here.

Personal Representative: Would he like to address specifically these accusations now? I will read them again.

Detainee: Yes.

***The Personal Representative repeated the first allegation (3.a.1.) from the Unclassified Summary of Evidence to allow the detainee to respond this specific allegation.***

Detainee: The Taliban did the same thing to me. They were a government and they had power. I had no control over them because they were very powerful people. I came from the province of Oruzgan, Kandahar for labor type work. There were like fifty people harvesting the grapes. They came and surrounded us and they handcuffed us, like the draft, and took us with them. I had no choice and I had no power because that was their government. Just like how the Americans brought me, it was exactly the same thing they did to me. When they took us to their center, they asked me to take a weapon and fight for them. I told them I was scared, I cannot fight and I don't the ability to fight. They said that I had to do something for them. They would not leave me alone like that. I said okay I could be a cook for them. I was very scared and I thought that if I didn't accept the job they would kill me.

***3.a.2. The detainee fought for two years in the jihad against the Soviets.***

Detainee: I don't remember if I did jihad for two years or two months. My job in jihad was I was in charge of ammunition. I gave my commander's name to my interrogator. His name was Neymatullah. I would watch the ammunition and people would come to me and tell me they needed ten of them or twenty of them. I would just give them a supply of ammunition.

***3.a.3. The detainee was in charge of ammunition distribution during the Russian jihad.***

Detainee: I was not distributing ammunition; it was just the bullets.

***3b. The detainee participated in military operations against the coalition:***

***3.b.1. The detainee is alleged to have been a Taliban airfield commander.***

Detainee: Of course they said that. The Russians have been in Afghanistan and since that time there has been a lot of hostility and a lot of people are enemies against each other. Of course they would make something up like this to report or turn you over to Americans to get some money. I'm not a commander; you can do your investigation and ask about me. My enemies made some name or made some allegation about me and just reported me.

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Our people are very hungry. They will report their son for the money; they will turn their son over for money. In the meantime, they know the Americans will release them back; sometimes they will come back.

*3.b.2. The detainee may have information regarding attacks against the United States and coalition forces.*

Detainee: No. I don't have any information. I heard Karzai when he did the announcement to the people that Americans are our friends and he is supporting the Americans. I am the same way.

*3.b.3. The detainee is suspected of moving weapons.*

Detainee: When and where? Once they told me it was the time of the Russians. I don't know when and where. Where did this come from?

*3.b.4. The detainee discussed plans to conduct attacks against the United States and/or Coalition Forces.*

Detainee: I did not talk about that. If you have any proof, please present the proof to me.

*3.b.5. United States Forces arrested the detainee with two other detainees in Kandahar Province.*

Detainee: It was more than two. It was almost thirty people who got captured the same night with me.

Tribunal President: Is there anything else you would like to tell us at this time?

Detainee: The other thing I want to review is that they have a lot of suspicious stuff about me and they told me that they were going to give me a polygraph. Then they should know if I was telling the truth or not. I said okay, I was ready. I know myself and I was not scared of a polygraph. I did the polygraph and they told me that I passed the polygraph and they congratulated me and told me that I was going home.

Tribunal President: Can you tell us where this polygraph was done? Was it in Afghanistan or was it here.

Detainee: Here in Cuba.

Tribunal President: At this point we may have some questions for you. Would you be willing to answer some questions for us?

Detainee: Yes. If I know I will answer your questions. If I don't know I will say that I don't know that question.

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Tribunal President: Personal Representative do you have any questions for the detainee?

Personal Representative: Yes Ma'am, I do.

Personal Representative Questions

Q. Abdullah Khan, are you or have you ever been known as Khirullah Khairkhwa?

A. No. Since I was born from father I go by Abdullah Khan or Abdullah.

Q. When you were captured you said that people accused you of being Khirullah Khairkhwa. Do you know why they would have accused you of that?

A. Americans did not know me. Americans were giving an announcement that if you turn over a high-ranking Taliban member or the governor, we will give you a lot of money. That's why they gave that Khirullah Khairkhwa name because he was the governor of Herat. They wanted to get some more money out of me.

Q. How did you know Haji Shahzada?

A. I was working for him doing labor. Like a servant. I was harvesting his grapes. Then I saw Haji Shahzada in Oruzgan. We were doing dog fighting and I saw him there in Oruzgan. I asked him what he was doing there. He said he was there to get a dog. I gave one of my dogs to him. The third time I saw him was in the city when he invited me to spend the night at his house.

Personal Representative: That's all the questions that I have.

Tribunal President: Recorder do you have any questions for the detainee?

Recorder: No Ma'am.

Tribunal Member's questions

Q. Shahzada, do you see him everyday here at camp?

A. I don't know where he is. I think he is in camp four. I don't even know where he is.

Q. He's not in your same area?

A. No, he not in the same area. He used to be for some time in the block but not now. He is not here with me.

Q. I think you asked the question about jihad. Being a member of jihad against the Russians isn't important in some respects of you being here for this hearing, other than it may show military training. Really what we are interested in is what type of military training have you had?

Translator: He thought it was about school, so I had to say no it's military training. I had to repeat that back to him.

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- A. No I did not receive any military training. I just have one book in Farsi; I know that. I have one for the Koran to read that. I am a shopkeeper and you can ask me anything about the shop.
- Q. You said you were a laborer for Shahzada?
- A. It was a long time ago. I just did one day of work of labor for him. We were working in his field or someone else's field we were working in, it was a long time ago I don't remember. I did work for him for one day.
- Q. The government person here will give us more evidence later. Right now, you said you've been accused of being Khairkhwa? Who is he?
- A. I don't know. Khairkhwa is here with you guys. You probably know him better. He is here.
- Q. You mentioned two enemies that you saw at the bazaar that had killed some relatives of yours. Do you know their names?
- A. Their father killed my father, my father's father and my brothers. One is Mullah Jan (ph); he was a big commander during the Taliban. The other one is Mullah Bujan (ph). I had another enemy, he was not a very, very important enemy, but he had some hostility against us. His name was Omar Jan. I saw him that day at the bazaar to.
- Q. You mentioned meeting a boy on the way to Haji Shahzada's house and you said you took the boy to dinner. Is that a normal custom or did you know this boy before?
- A. Actually this is our culture. We are Muslim; sometimes we have twenty people in the Mosque. If there are twenty people in the Mosque we have to take food for all twenty people and feed them. This is part of our culture.
- Q. He was a complete stranger? You had never met this boy before?
- A. I knew him. He was from our village. Somebody had killed his father. I just felt bad for him. He was selling the same stuff that I did. His supply was in the car too. His car did not arrive at that time either.
- Q. Was the boy arrested with you?
- A. Yes. A lot of people got arrested with us at the same time. I have no idea what has happened to him. Only Haji Shahzada and I have been brought here to Cuba.
- Q. Do you own a weapon for personal protection?
- A. No I don't have any for my house for my protection. I have like two pieces of Kalashnikovs; which was given to me from the (inaudible) officer. They still have this weapon for their security.

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Q. Have you ever fired a weapon?

A. Yes. I did fire once it was while hunting. I was trying to hit the bird. What I did was turn my face and I shot like this. (*Detainee motioned that he shot the gun with his head turned away*)

Q. Do you have a formal education?

A. No.

Q. One of the accusations or allegations is that you were an airfield commander. Have you ever been a pilot or flown an airplane?

A. The question that you are asking me I don't even understand. What is a pilot? For my entire life I have never been in school. The question that you are asking me, I am wondering because I don't even know. You can ask me about the shopkeeper, about the shop.

Q. You indicated that you had only see Haji Shahzada three times. My question is, is spending the night with somebody that you do not know that well, is that a common occurrence? That you would just spend the night with someone you know so little about.

A. It is no big deal. Even if you only see somebody once and you go to their house they will feed you.

Tribunal President's questions

Q. You told us the types of goods you had taken to Kandahar bazaar to sell. Are those the same kind of goods that you sell in your own shop?

A. In my shop it is different things. I sell things like fabric, tea, sugar, salt and candy. These kinds of things. I also sell things like necklaces and things. These kinds of things we just buy and sell them. We buy it just to sell and we bring it outside of the city to sell.

Q. This is another business that you do?

A. We exchange things with the poor people that do not have money. They give us some of these things and we give them the things that they need. We take this stuff to the other bazaar and sell it there.

Q. The goods in your truck were actually goods that you exchange at your shop?

A. In the car there was 150 animal skins and five mang (ph) beans. It is a small green bean.

Q. Lima bean?

A. No, mang (ph) beans. It was five. Two harwar was mine; three harwar I borrowed and I said I would pay for three harwar. I had some other stuff but I don't remember. I had some slippers and dry yogurt; I don't remember how much I had. I just remember the animal skins and the beans.



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- Q. Once you got to the bazaar in Kandahar did you usually sell to individuals or to other businesses there?
- A. No. They are like the big businessmen. There are different people. Like one is just selling the skin to them and one is just buying the beans and the other one is just buying the slippers for different people.
- Q. You are selling that to businesses rather than to people who happen to be in the market.
- A. To the people.
- Q. Maybe it's just a...like other shop owners who are going to in turn sell it in the market or are you actually opening up a place in the market to sell these directly to the people?
- A. No. Not to the other shoppers. We just put our stuff in the bazaar, like slippers and beans and leather. People come and buy what they need.
- Q. How long did you plan to stay at the bazaar? How long would it take for you to sell the goods you had in your truck?
- A. It depends on the customers. Sometimes it takes two to three days, sometimes if we don't have any customers it could take five days to sell.
- Q. You estimated you did this once or twice a year? How often did you go to Kandahar?
- A. It depends. If you need something for our shop and we finish all the stuff we have in our shop. If we are still full we don't need to go to Kandahar. We just go on need.
- Q. Are you telling me then you are not only selling the goods you have in your truck but you also in turn buy things for your shop?
- A. Yes. Whatever I make on a list for me, like what I need for my shop, I write the name of what I need then when I sell my stuff I give it to the other shopkeeper and tell them I need to buy this stuff from you.
- Q. Did you own the truck your goods were in?
- A. I was actually in a small car but my goods were in the truck, which was a rental. It was from the people in our area. We rented their car and then we gave them money.
- Q. The truck itself was rented and the car you owned?
- A. In the truck it was not only my goods there were a lot of other peoples goods as well. I wasn't the only passenger in the car even, there were a lot of people in those two vehicles. So we rent, yeah I rented the car.
- Q. You're saying that it wasn't just you that took the goods. Obviously it was whoever was driving the truck plus some other passengers in the car?

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A. Yes.

Q. You stayed over night with your friend. Did the other people do the same? Stay with other people in the area?

A. I don't know where they went. It's just passengers. Everybody has to get in the car and they ask the driver where he is going and he says I'm going to Kandahar and the other passengers get a ride in the car to. I don't know where they went.

Q. They weren't helping sell the goods, they didn't own goods in the truck, they just happened to be people along for the ride that needed to go to Kandahar?

A. I don't know, I didn't ask them where they were going. Some people go. They may go to Pakistan, they may go to do business, and some of them probably need some water. I did not ask those people what they were going to Kandahar for because that was their own business.

Q. Tell me about the dinner at your friend's house. You said there were several people there?

A. Yes.

Q. Did you know everyone that was there?

A. No I did not know any of them.

Q. You only knew the host?

A. I only knew Haji Shahzada and the boy that went with me.

Q. Tell me what did you talk about at the dinner?

A. Haji Shahzada is the representative for his whole area. He was the Mayor. He brought one of the organizations that he was working with. This organization was paying him. We also talked about Karzai and how he was doing. We also talked about government and politics.

Q. What would you say the tone was? Generally you got the impression everybody supported Karzai or pro-government or were some of them grumbling a little bit?

A. When Karzai came everybody welcomed him because he brought some jobs and some work for us. Everybody was very happy because he brought some charity organizations for work.

Q. Are you a native Afghan?

A. Yes, I am a native of Afghanistan and I was born in my place and I was still there. My brother and father are still living there.

Q. Did you ever travel much? I know you said you went to Kandahar obviously, but did you travel anywhere else?

A. No. I didn't need to go anywhere else, to other areas.

Tribunal President: I would like to thank you for participating in this Tribunal today.

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Detainee: I thank all of you too.

Tribunal President: At this point is there anything else that you would like to tell us?

Detainee: Yes. I have a question. For fifty years I worked very hard. That was all my money. All I saved. It was all of my savings from my very hard work of fifty years. I lost all of it when I got captured. I lost all of these things. Then I have very small kids and I don't know what my kids are doing. The Americans took this away from me, all of my savings that I had. This is my question. I don't know, what about my kids?

Tribunal President: I'm afraid I can't help you out much there. Our purpose is to decide whether you are properly classified as an Enemy Combatant or not. I'm sorry.

***The Tribunal President confirmed with the Personal Representative that he had further evidence and if the Detainee had any previously approved witnesses to present to the Tribunal.***

Personal Representative: Yes Ma'am I do. I first would like to present to the Tribunal the Witness Data Worksheet for Haji Shahzada who provided responses to questions to me during a 7 January witness interview. I have reviewed these with Abdullah Khan and he has agreed that he would like them submitted as evidence in his case. They do support his statements so far.

Tribunal President: Let the record show I have in my possession exhibit D-B.

Personal Representative: I also have another exhibit that the detainee requested. It is a polygraph report of an examination. It is exhibit D-C. It does confirm his statement that he had passed his polygraph exam.

Tribunal President: Let the record show I have in my possession exhibit D-C. Is that everything?

Personal Representative: Yes.

***The Tribunal President explained the remainder of the Tribunal process to the Detainee and adjourned the open session.***

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AUTHENTICATION

I certify the material contained in this transcript is a true and accurate summary of the testimony given during the proceedings.



Colonel, U.S. Army  
Tribunal President

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